

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

|                           |   |                          |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, | ) |                          |
|                           | ) |                          |
| Plaintiff,                | ) |                          |
|                           | ) |                          |
| v.                        | ) | No. 07-04055-01-CR-C-NKL |
|                           | ) | 07-04045-01-CR-C-NKL     |
| David Phillip Gallup      | ) |                          |
|                           | ) |                          |
| Defendant.                | ) |                          |

**REPORT AND RECOMMENDATION  
CONCERNING PLEA OF GUILTY**

Defendant David Phillip Gallup, by consent, appeared before the undersigned on March 20, 2008, pursuant to Fed. R. Crim. P. 11, Local Rule 72(j)(26), and 28 U.S.C. § 636, and has entered a plea of guilty to Count 1 of the indictment in 07-04045-01-CR-C-NKL filed on 9/24/07, and to Count 1 of the indictment in 07-4055-01-CR-C-NKL filed on 11/16/07. After cautioning and examining the defendant, under oath, concerning each of the subjects mentioned in Rule 11, it was determined that the guilty plea was knowledgeable and voluntary as to both counts, and that the offenses to which the defendant has plead guilty are supported by a factual basis for each of the essential elements of the offense.

IT IS, THEREFORE, RECOMMENDED that the plea of guilty be accepted and that defendant, David Phillip Gallup, be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its filing will bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Dated this 20th day of March, 2008, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX  
United States Magistrate Judge